Canons of Construction

VOLUME 38, NUMBER 3 | THE LAW STUDENTS' NEWSPAPER | NOVEMBER 6, 2006

Photo by Courtney LeBlanc

Thanks to the generous donations of students and staff, the Faculty of Law raised over $1200 for Unicef this Halloween!! This is great for Unicef, as well as for the law students who got to see their professors dressed up as Fairy Princesses for Halloween! Thanks so much to Professors Brown, Sprysak, Anand, Buckwold, Hutchison, and Klar for being such great sports and donning wings and tiaras for this cause. Also, a special thanks goes out to Alex Millman, Joel David and Allison Murray for their exceptionally generous donations!

IN THIS ISSUE OF CANONS:

Proposed Injustice	Page 2
Cuts for the Cure	Page 3
Malfeasance	Page 4
Law Games	Page 5
Sports	Pages 6-7
Event Pictures	Pages 8-11
Bennett Jones Contest Details	Page 12
Law Girl/Guy	Page 19
Events Calendar	Page 20

STUDENTS CAN BE SOCIALLY RESPONSIBLE TOO!

IAN STEDMAN (2L)

Now I know that we students don't have a lot of time. While many of us are simply exhausted, the rest of us are probably surviving on coffee and redbull. Despite the many trials that we may now face, the truth of the matter is that as members of the legal profession, the institution of law expects things of us that it doesn't expect of others. We clearly all desire to do well for ourselves and for our families throughout our careers, but we must not forget that we are also expected to do good for society. While we may choose to make our social contributions primarily from within the confines of our roles as lawyers (or law students), we may also choose to be good social citizens outside of work. I would propose to you that at the very least, being a good social citizen is about identifying your personal moral values and taking those values with you when you leave your home each and every day.

So what does it mean to be a good citizen in a day and age when so many of us have such different values? One way to be a good citizen is

...Continued on page 14 ...

A Proposed Injustice For Political Reasons

Corey Sandquist (2L)

Every law student is aware that Parliament and the Legislatures create laws within the boundaries of the Constitution. It is the role of the courts to interpret these laws and to enforce the rule of law. Unfortunately, laws are often created, or at least proposed, for political reasons. Such is the case with a recent proposed bill regarding repeat sexual or violent offenders. The bill, advocated by the current Justice Minister Vic Toews, would essentially reverse the burden of proof on a sexual offender; a third time sexual offender would be required to demonstrate to the court that he is **not** a dangerous offender.

Some people may think "right on, it's about time the government did something to protect us from sex offenders and other threats of the world. Why not take away their freedom?" (After all, they committed repeat crimes.) Well, it is true that the offender is a convicted individual; however, the Charter requires the Crown to bear the burden of proof.

It is true that the determination of dangerous offender occurs after conviction. It is also true that the burden is not always on the Crown for every aspect of trial, and that the burden is not always beyond a reasonable doubt. However, in the case of being found a dangerous offender, the individual receives an indefinite sentence. This sentence is the ultimate restraint of liberty in our Canadian justice system. Our legal system states that an individual may have his or her liberty constrained by the state, but it also says that the state had better be justified in doing so. The greater the restraint imposed by the State, the higher the required justification of the action and the higher the burden. It then follows that the highest possible restraint requires the state to justify itself, not to shift that onus onto the individual to defend himself.

The truly unfortunate aspect of this bill is that it is likely a political move. The Harper government has publicized its stance on being "tough on criminals", leaving it to the opposition to point out the repugnancy of the bill. In an interview Toews stated that he "...[wants] to see dangerous offenders off the streets especially sexual predators...". The problem with this statement is that if a court finds them to be dangerous offenders, they would not be on the street. It is an early example of the error of the presumption: in this statement there is no recognition that to be a dangerous offender, the individual must be found to be so by the court. However, the statement is a *political* gem. Of course, he also suggested that the bill is not unconstitutional because they had "considered it very carefully".

It is definitely good that the government considers its bills before enacting them, but the role of ultimate determination of constitutionality is left to the courts. The proposed bill is an example of what political strategy can do to the rule of law if left unchecked; it is now left to the courts, the lawyers, and the law students to uphold the rule of law.

The 2007 Grad Committee would like to thank everyone for coming out to Overtime on Thursday night and making our Halloween party a success!!! Everyone looked great in their costumes- from what we can remember! Best costume went to Where's Waldo: Dylan Esch, Sexiest Costume went to the transvestite ballerina: Chris Salamon (AKA Britney), and Best group went to Bert and Ernie: Mark Facundo and Warren Woo. Thanks to Overtime for the great prizes! We would also like to thank all our special celebrity guests who came out to party with us, including: Milli Vanilli, The Ghostbusters, Maverick, K Fed and Britney, Indiana Jones, Rocky & Ivan Drago, David Hasselhoff, Pamela Anderson and Marilyn Monroe.

Dale, Lindy, Kristen, Kieran, Matt, and Erin
2007 Grad Committee

COMMENTS? SUGGESTIONS?

Canons would like to know what you think of this or any of our issues. We have a 'Comments Box' in the library (at least, we think it's still there), or preferably e-mail us canons@ualberta.ca.

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VOLUME 38, NUMBER 3 THE LAW STUDENTS' NEWSPAPER NOVEMBER 6, 2006

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Our sincere apologies to anyone we may have forgotten.

Canons of Construction is the official Law Student Newspaper of the University of Alberta Law Faculty. Canons' principal objectives are to provide equitable and judicious coverage of issues and events germane to Law Students at the University of Alberta and to provide an open forum for the free exchange and expression of thought, opinions and ideas.
All law students and interested parties in the legal community are encouraged to contribute submissions, provided that contributions are accompanied by name, student number and telephone number. Canons reserves the right to edit submissions for content, length, and legality. Canons will not publish materials deemed by the board to be racist, sexist, homophobic or libelous. Ideas and opinions expressed in Canons do not necessarily reflect the views of the Canons board.
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Professor Allan Young: Wrongful Convictions and the Innocence Project

Nayha Acharya (2L)

Wrongful convictions represent an expansive shortcoming of the individuals working within the legal profession, from students to judges. For a profession that boasts meticulous attention to detail, logic and indeed commitment to justice, wrongful convictions undermine the profession's very source of pride. It is not that mistakes are unequivocally intolerable, but the problems that lead to wrongful conviction are perpetuated in this profession. They begin with students and continue to the level of respected lawyers who eventually become judges. Law school embodies a culture of competition among friends, a culture which remains as the students become successful lawyers who have long forgotten the ideal concept of achieving justice (or at least fairness), and are concerned only with the trivial and insignificant goal of an individual win or an individual loss. Of course, when this is the only outcome that lawyers are concerned with, the correctness of the outcome (morally or even legally) takes a back seat, and miscarriages resulting in wrongful convictions become inevitable.

This was the tone of the October 16 Visiting Speaker Lecture delivered by Professor Alan Young, professor of law at Osgoode Hall Law School. Besides wrongful convictions, Professor Young has academic and practical interests in the legalization of medicinal marijuana, and challenging state authority to criminalize consensual activity. In this respect, he has brought constitutional challenges to: gambling, obscenity, bawdy-house, and drug laws. From this list, one can imagine his personality to be as attention grabbing as his areas of interest. This was reflected in his lecture, which proved captivating from beginning to end, humorous at times, and stirring at others.

The Innocence Project at Osgoode is one of Professor Young's recent endeavours seeking to encourage students to address the problem of wrongful convictions. Students and faculty members examine cases of individuals claiming to be wrongfully convicted and, where possible, seek to reinvestigate and forward the claim of innocence. Professor Young's position as Director of the Innocence Project enticed the Legal Activist Collective, a new student group, to invite him to speak for the Visiting Speakers Series. The Legal Activist Collective has a mandate to bring pressing social issues with legal relevance to the attention of students, and to take action towards correcting social inequities. In this light, the Collective has lobbied for the implementation of a branch of the Innocence Project at the University of Alberta, and invited Professor Young to speak on both on the Innocence Project and wrongful convictions in Canada.

Prof. Young's lecture was well attended and well received. The content of his message and his style of delivery were inspiring for idealist students. It sent a message that there are successful and respected people who are willing to examine the deficiencies in the legal profession and that are committed to mobilizing themselves and others to create positive change.

Cuts for the Cure

Mariana Oliveira (2L)

Cancer affects us all. This is not an overstatement; it has become the reality. Taken from the Canadian Cancer Society/National Cancer Institute of Canada, the statistics for 2006 are upsetting: an estimated 153,100 new cases and 70,400 deaths from cancer will occur in Canada in 2006; one in four Canadians will die of cancer during their lifetime, the risk being slightly greater among men than women. Cancer is devastating, but the response to this malady has created unity in our community and determination to find a cure.

One of my greatest memories of my first year of law school was the rush of the halls, the cheering of the students and the overwhelming support by the law school cheering on Kris Nielsen, fellow students, and professors as they shaved their heads to raise money for Cuts for a Cure. The story behind the event is heartbreaking, but inspiring. Kris's younger brother was diagnosed with cancer earlier that year and Kris decided that he would shave his head to collect pledges. "We are very fortunate to be where we are here at school and we will come across many chances to make a difference. Last year, I had the opportunity to take a large negative and get some positive out of it." He approached his friends in

law, spoke in classes, and put himself out there with a goal set of $2500- his goal soon became a shared goal by several, and as the involvement grew, so did the goal: to $10,000. The response from his friends, classmates, and professors was extraordinary, "The more people I talked to, the excitement escalated and the event snowballed into what happened on November 9th." Last year, this event raised $14,000 from the law school alone and over $22,500 for the entire event. The response of the school was amazing; the generosity of the faculty was phenomenal. "When this all started last year, I had hoped that others would gain something out of this event, but I could not have anticipated how much it would affect me." It demonstrated how a negative and destructive disease can inspire so many to unite and create a positive and encouraging position for the fight against cancer. "I am so thankful to be a part of a law school that can come together so easily and I feel very fortunate to have been a part of this event last year. It has been a long year and it was definitely a highlight. And I feel even

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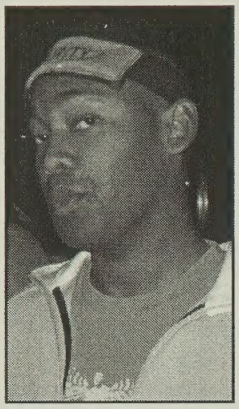
RUMBLING STOMACH...

Ryan Lee Chee (3L)



Rumbling stomach? You know what I'm talking about, it's bathroom time. Legal scholar to crack addict from the backwoods, we are all bound by our common need for periodic release. And, when this time arrives is it too much to ask that our porcelain thrones be respectable?

The state of bathroom etiquette in this faculty is deplorable. Unlike the person who sits next to you in class chomping down his steamed fish, the situation can no longer be ignored. The other day, I sought refuge in the Fine Arts bathroom. FINE ARTS!! C'mon you guys, these people actually use animal feces as art sometimes! And I'm using their bathroom, this is just wrong.

So despite the fact that many of you have mastered more than one language, legal terms, and memorandum writing, you still haven't learned how to flush a toilet. You know who you are, so it's time for me to break it down for you...you're nasty. Straight up.

I don't really know how you picked up this habit. When you grew up what did you do, just take a crap on the carpet? Were your parents so ecstatic that when you actually used the toilet they decided asking you to flush would be too much?

"Here you go Johnny, thanks for not streaking up the curtains. Have a candy."

Honestly, can't even flush a toilet... I don't even want to know if you wash your hands or not. In fact, I've decided to limit myself to "fist pound" greetings and give up handshakes until you dirty buggers learn this isn't the middle ages.

Which brings me to another problem, (this is for the fellas)...urinating accuracy. Alright I admit, when I was 8 or 9 I would spell the alphabet on the school bathroom walls too, but guess what? I grew out of it.

I didn't want to have to spell this out for Mr. I'm on Deans' List, but extreme times call for extreme measures. I recommend that you establish a grip similar but not exactly to holding the handle of a tennis racket, maybe a putter if that's more to your liking. Judging by the splash pattern on toilet rims it appears we are using the "superman method" (hands on the hips and just swinging the groin). This is not good, it won't give you the accuracy you're looking for...and for the guys over 6'6" there's no shame if you need two hands. And try and hit the back corner, it prevents unnecessary fallout. Using two hands may seem novice, but if you were really that confident why are you not using a urinal to begin with?

Anyhow, those are just starting points. We'll go over the landing pad and courtesy flushes another time. Take my advice and let me know how that works. The bottom line is this: open season on our faculty bathrooms is over. You have two options: clean up your act and be a responsible toilet operator, or take your rumbling stomach to the Fine Arts Building.

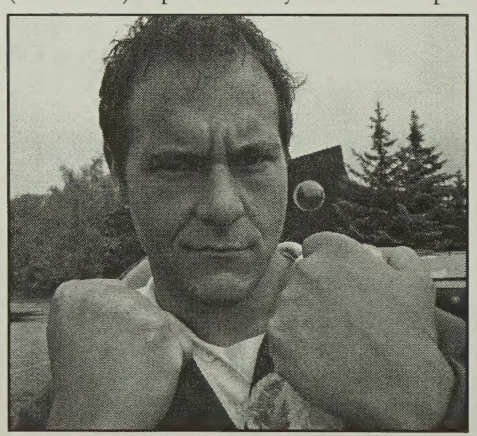
My Bout with Justice

Matt Kachur (2L)

I came into law school a green-horn, keen on the sanctity of justice and our beloved Canadian legal system. Student Legal Services offered the perfect opportunity for a young idealist like me to test the legal waters. In running a trial I got to experience what it's like to be thrown into the legal ring and have to fight to win. As acting defence on an assault trial I was fighting an uphill battle. All the odds were stacked against me, but I was determined to combat the evil crown prosecutor and get my principle acquitted.

To analogize my feelings I need look no further than the greatest movie in the history of cinema: Rocky IV. For those of you that have not watched this slice of theatrical heaven, Rocky Balboa, in an attempt to uphold the values of freedom and everything good, fights the evil steroid-enhanced Russian-monster known as Ivan Drago. Drago is a heartless, seemingly unbeatable wall that presumably blocks Rocky from victory. In the end good triumphs as Rocky beats his unbeatable foe. Enter my trial [cue 'Eye of the Tiger']

I spent many agonizing hours running up the stairs of the Philadelphia public library and pounded many sides of beef hanging in a walk-in freezer (sitting in the dingy confines of Emily Murphy House looking up case law and reviewing disclosure). Now it was time for Rocky (me) to face the Russian Juice-Monkey (the Crown). I pulled on my stars and stripes



boxing shorts and tossed on my gloves (I put on my suit and tied the perfect Windsor knot into my 'show-time' tie). I got one last pep-talk from my old surly coach Mickey (the advising lawyer) and made my way to the ring (the court house).

On the walk down the aisle to the ring the fans were going crazy screaming my name and patting me on the back (the Crown called my issue forward in the empty court room).

"In one corner, wearing the black pin stripe suit and stylish tie weighing in with 2nd year law student credentials, boasting a record of 0-0, known as the enthusiastic apprentice of justice, entering a plea for his principal of not guilty, we have Kachur, first initial M, from Student Legal Services" (followed by a loud cheer from my mother).

"In the other corner, wearing a cheap double-breasted suit, weighing in with some unknown level of experience, former SLS Coordinator but now beaten down by the long hours of the legal system, it is the faceless Crown Prosecutor" (to be met with a chorus of boos). I heard the sound of the bell- it was showtime.

The fight started with a few jabs thrown; we were gladiators both attempting to feel each other out. Then the Russian landed a hard right (the Crown put his witness on the stand and brought up the fact that my principal was intoxicated the night of the incident). I bobbed and weaved my way out. We exchanged blows, then BLAM! He landed a piercing upper-cut (his witness started crying on the stand

...Continued on page 16 ...

Finkle is Einhorn...Einhorn is Finkle

James Elford (3L)

Fun Fact: When Billy Joel recorded his 1977 classic hit, *Only the Good Die Young*, he only captured half of a truism about the human experience. His broad condemnation about the iniquity of life would have been complete had he only released his intended follow up single: *And Pricks Live Forever.*

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Ol' Ralph "Malph" Klein recently acknowledged that the provincial government neither expected nor planned for the current economic boom. This incompetence has led to a few 'growth' and 'sustainability' problems the province must deal with. But how can we best analogize this dilemma so that even the most chromosomally challenged supporters of the status quo can wrap their abnormally formed heads around the severity of this problem? Easy: the fall of MC Hammer.

MC Hammer's life story mirrors closely the Albertan experience: The highs and the lows- The alienation- The long periods of tension with Eastern Canada and the Federal Government- Ponoka. Just as Hammer found himself with nothing but parachute pants and broken dreams when his records stopped selling, we too risk falling off the money train...and sadly I don't mean the one from the Wesley Snipes & Woody Harrelson classic film.

James Elford made over a million dollars working from home, and you can too.

Alberta has oil. MC Hammer had his *Please Hammer Don't Hurt 'Em* - its titular plea presumably referring to how the popularity of "You Can't Touch This" would destroy other rappers. Alberta has apparently had zero appropriate financial planning. MC Hammer thought that $1.4 million dollar gold-plated gates that said "Hammertime" were an investment. It would be synchronicity if Hammer hadn't made his mistakes so many Much Music Video Awards shows ago.

MC Hammer dolls, lunchboxes, clothing and other apparel were marketed. He was even given his own Saturday morning cartoon, "Hammerman". But just as Napoleon had his Waterloo, Burrell had his own "people getting fed up with him." When the record sales dried up, Hammer found himself filing for bankruptcy. Now he's a minister releasing albums only his friends listen to. They quietly tell him: "Sure Hammer...it's great. I don't mean *2 Legit* great, but definitely way above *Pumps and a Bump*. It's the public who is wrong." It's a Vanilla Ice style tragedy with a Milli Vanilli sized moral.

Remember that when Hammer made his mistake, society was coming off the excess of the '80s, and, in this pre-VH1 Behind the Music era, the dangers of financial planning based off of the next big hit weren't quite so apparent.

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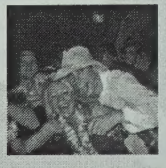
law games 2007
Western

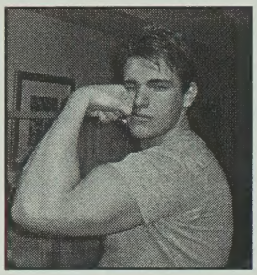


Law Games is an annual event with a 25 year history. The purpose of the Games is to bring together the future leaders of Canada's legal and business communities in the spirit of friendship and camaraderie. This year, 1000 students will converge on London Ontario from January 3rd to 7th, 2007, to compete against their future colleagues in academic, sporting, and social pursuits, while simultaneously raising money for local and national charities.

lawgames2007.ca

YEEEAAAH!!! [INSERT TEAM HERE] RULES!!!

JASON THOMAS (3L)



What happens when you transplant years of passion for your hometown team into your new law home? I give you the three classes of wayward homers.

"The Obnoxious Foreigner" – This person absolutely delights in telling locals what is wrong with their team and how much better his (or her… but usually his) team is in every conceivable way. This personality type can be seen proudly sporting foreign colours in a sea of local blue/copper and enjoys the game more with every death threat heard and nipple-twister received. As a former denizen of these ranks, allow me to offer some sage advice: no matter how loud, passionate, or drunk you are, three sweaty, angry local guys will clean your clock in ways that no gutsy road-win will ever be able to compensate for.

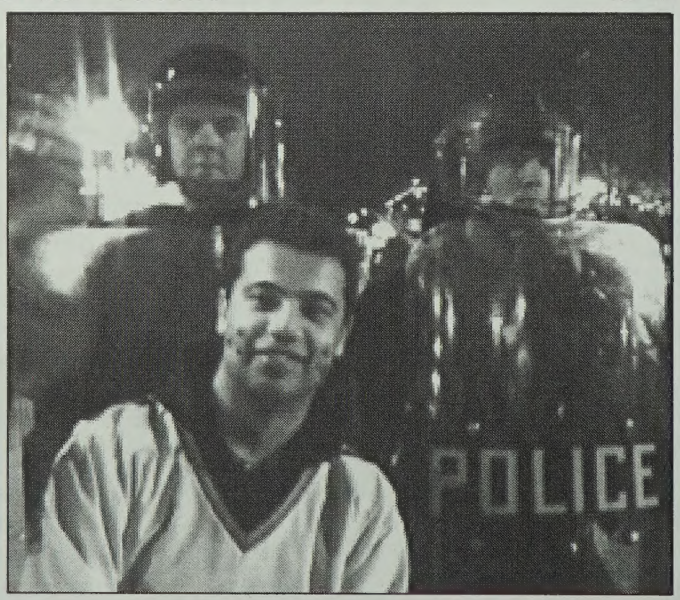
"The Turncoat" – This person decides to blend in with the locals, throwing off the shackles of their former existence and boldly embarking on a new life and identity in a new land. They are often seen wearing jerseys with price tags still affixed and totally befuddled in conversations regarding the local team in any season but the current one. These people sicken all hockey fans, and should be truly ashamed of themselves. However, if you've only been able to appreciate the true greatness of Mighty Oil since arriving in River City, we'll clear some space on the bandwagon for you and allow you to tell us how truly great our team is.

"The Undercover Man" – Probably the most elusive personality type, this fan is nary seen nor heard until the season has nearly ended or the playoffs have begun. Everyone knows they have a keen interest in the sport, but are never exactly able to nail down where their allegiances lie. These people have decided to hedge their bets lest they become branded either of the above categories before being certain the scoreboard (or standings) will agree with their choice. You may think the rabid hockey fans don't know who you are, but you're wrong. We're watching you. And this year, when you show up to campus in that Vancouver or Montreal jersey just as your team has snuck into the playoffs, you better pray on everything that's holy that all of the [admittedly] crazy hockey fans are too busy gearing up for their own teams' playoff runs to notice. Because if I don't have an Oiler playoff run to distract me, making your sorry, uncommitted life miserable has become my consolation prize. Remember… many of us are in 3L… all we have to do is pass our exams.

I HATE PRONGER. WHY? WELL I GOT PERSONAL REASONS

NITIN BHATIA (3L)

After their crushing defeat in game 7 of the Stanley Cup finals, many of the Oilers' playoff rookies looked towards their team leaders for guidance and support. Jason Smith came out and said that the team should not worry because it developed the character necessary to make it to the finals again. Ryan Smyth said that he felt the youngsters will be able to appreciate victory more, now that they know what it feels like to lose. Chris Pronger came out and said he wanted to be traded. Ethan Moreau said he felt the team has become stronger and ready for battle again….wait…what did Chris Pronger say? Yes, you read correctly, Chris Pronger, the hero of Edmonton, the quarterback of our unstoppable power-play unit, the lovable gigantic family pet of the Oiler organization, insisted that he be traded as soon as possible. When asked why he wanted to move he stated, "I have personal reasons."



I'm a fairly reasonable person and I can appreciate when a player asks for a trade or does not want to re-sign due to personal reasons - usually because the wifey wants out (see Petr Nedved and Mike Peca for more details), but I still cannot understand how Pronger brought himself to doing something like that so soon after the entire city had suffered a vicious blow.

Even the most self-centered individual would show more class in a break-up than Pronger did. It's one thing to break up with a person over the phone, it's another thing to do it over the answering machine or through a text message. So I did what any reasonable person who has just been dumped via text message would do: I burned my "Thongs for Prongs" tee-shirt and danced around the fire in nothing but a loincloth.

All I'm saying is he could easily have waited another week, or at the very least, shown some concern for the city by making a live media statement where he could try to do some damage control by faking a tear in his eye or talking about how he has had a wonderful time playing here but unfortunately needs to leave. I tend to take the girl for coffee and explain things face to face and then give her a hug and tell her it's not her fault, it's mine...and I'm generally not a classy person (see "Nitin Does Carbolic" for more info). When members of our law school were surveyed, most girls tended to agree that the least a girl can do when breaking up with a guy is give him a kiss on the cheek and tell him everything will be ok. When Ryan Lee Chee of 3L was asked how he breaks up with girls he responded, "One doesn't necessarily need to break up with anyone". Puzzled, I later

...Continued on page 13 ...

Bets You Can Take To the Bank

Chris Bruce (4L)

In contributing to Canons, I was asked to come up with a 'Sports' article. I figured that nothing personifies sports better then degenerate gambling. So on that note, I will provide you with some predictions that are sure-fire money in the bank for this coming school year, complete with odds on the likelihood of the outcome.

1Ls:

1) You will spend a ridiculous and incredible amount of time on your first memo. (0.5:1)

This is as sure of a bet as any in law school. You will devote your heart and soul to something that is pretty much meaningless. Little sidenote: you will churn out up to a memo a day when you're summering or articling.

2) Someone, at some point in the year, will tell you how 'easy' law school is. (2:1)

It's inevitable, someone will tell you or you will overhear how easy things are in law school. Simple check: if that person is not on the Dean's List, it sure isn't **that** easy.

2Ls:

1) You will be told by a fellow student how great and wonderful XYZ LLP is to work at. (2:1)

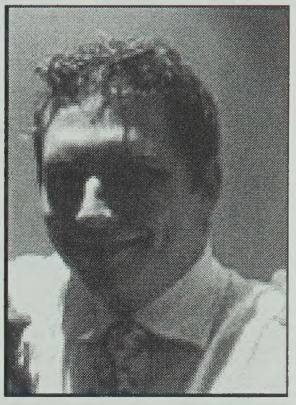
Smile and thank them for their help but know that while it may be a great place for them to work, you're looking for a place that's great for YOU to work.

2) That someone this upcoming summer keeps a list of people who have gotten articles and people who haven't. (4:1)

No this person isn't me, but it has happened in the past. It's evil, so if you do decide to do it, for your own safety, don't circulate it.

3Ls:

1) One of your fellow law school couples will tie the knot within 6 months of graduation. (2:1) Cue the wedding bells.



2) Two people in your year will hook up who you never thought would ever be seen in public together. (3:1)

Every year there's a shocker. Who could it be this year?

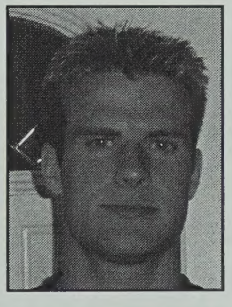
4L:

It's only fair I do something for myself... how about odds on me graduating? (2:1) I still don't know if I can make it through Conflicts.

That's it for now. Happy Gambling!

The Rugby Weekends

Bryan Crozier (1L)



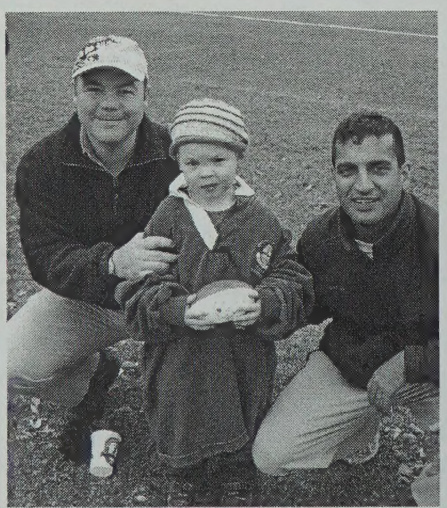
First off, I would like to apologize to anyone who had the painful experience of reading the last article I wrote on why rugby was so popular. I forgot to tell everybody at the beginning of the article that I was illiterate, and that they should try their hardest to deduce the true meaning of the article. However, this is supposed to be an article on how the rugby season went, so I won't continue with the sob stories of my life as a Canons writer.

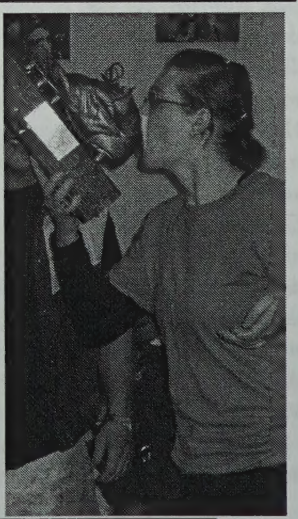
This year's rugby started off with a "short" drive to Vancouver so that we could play against the University of Victoria and the University of British Columbia. Although we finished the day 1-1, that is hardly the end of the story. Vancouver was a time of "bonding", and an opportunity to witness embarrassing stories that will stay with people for the rest of their law school careers. Lunch and wings will never be considered things that only occur at restaurants anymore. I cringe at the mere thought of these words. The only punishment for the dumb things people do is our own Kangaroo Court. This allows all members of the team to charge each other with idiotic actions they took throughout the weekend, and be sentenced to punishments handed down by an ever so wise, yet alcoholic, judge.

A few weeks later we found ourselves ready to play against the Alumni. The Friday night before the match was an example of what the other team was willing to do to win. It was a competition to see who could get the other team more intoxicated before the game that was set for the following day. Some people (like an Aussie that will remain anonymous) got a little tipsy that night, and showed up to the game in a taxi a little bit late. Once all was said and done, the game finally got going. Although it was a very good game, we unfortunately lost. Don't feel ashamed, we lost 3-0 (which is the equivalent to a score from a penalty kick). Winning by those means isn't even considered a win in our books! The girl's team fared better by beating the Alumni women, so again, the weekend record for the teams was 1-1. The awards ceremonies after the games were interesting to say the least. The winning team's captain, men and women of the matches, and other "important" players all had to drink from the trophy. No, this is not a nice looking trophy like the Stanley Cup, this is an old boot that was used, then bronzed, and then put on a piece of wood. You can only imagine how good the beer tastes coming out of that beautiful trophy that means so much to both rugby teams. Again, the weekend didn't end with these games. Many people headed out to Stonehouse that night to celebrate the successful game. As can be expected, everyone had a good time, but that's all that can be said. Stories have to remain secrets, so if you want to know some of them, you have to come out next time. Thanks to everyone who came out to watch the game, and we'll try to win next year.

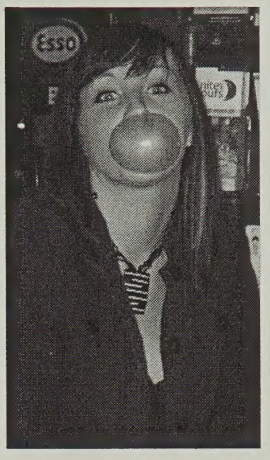
LAW

Alumni Rugby Game

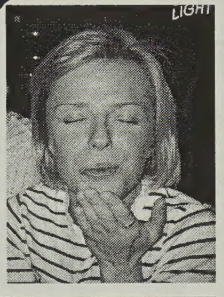


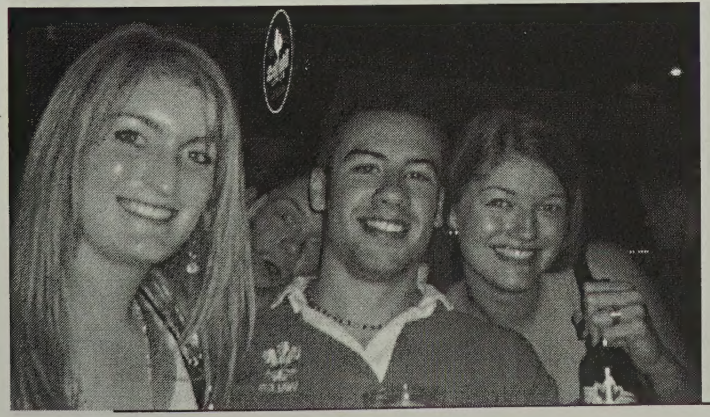


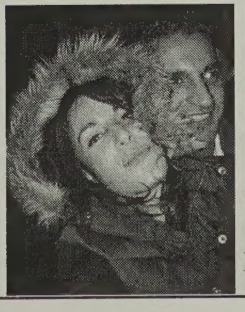
RUGBY

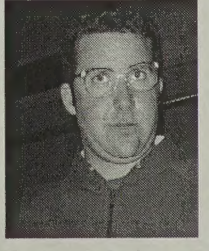


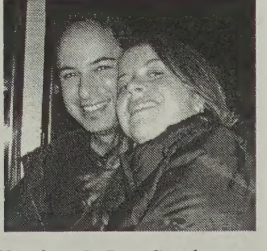
Alumni Party & Girl's RugbyPubcrawl





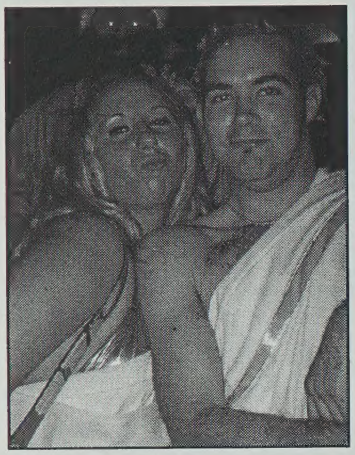


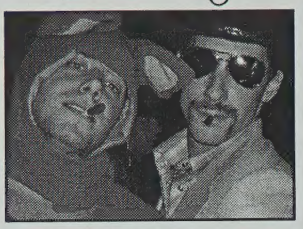


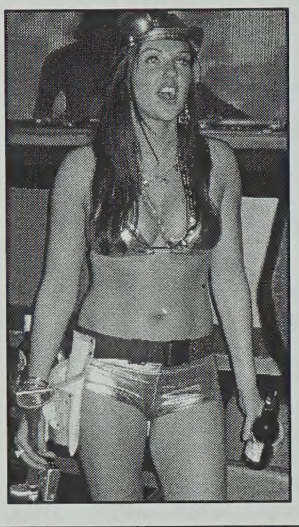


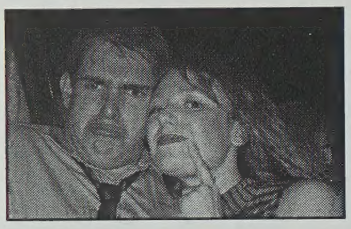
Photos: Mariana Oliveira & Ian Stedman

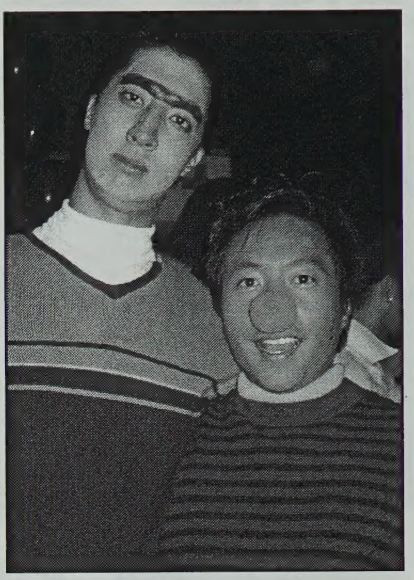
HALLOWEEN

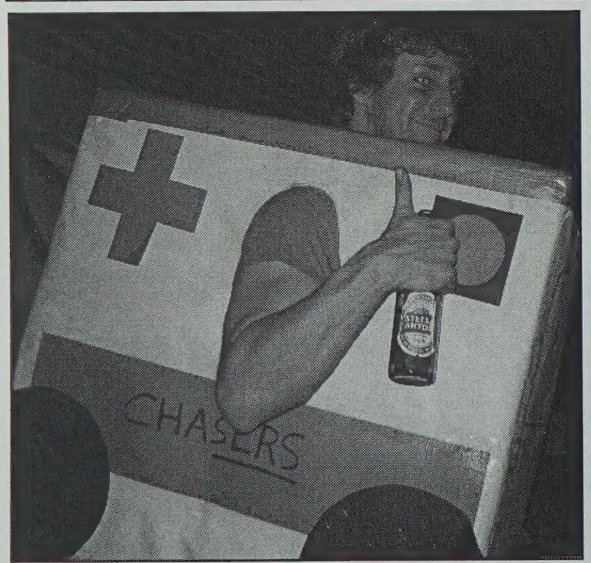


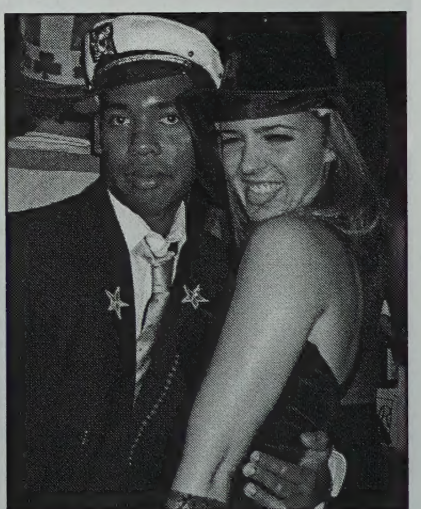






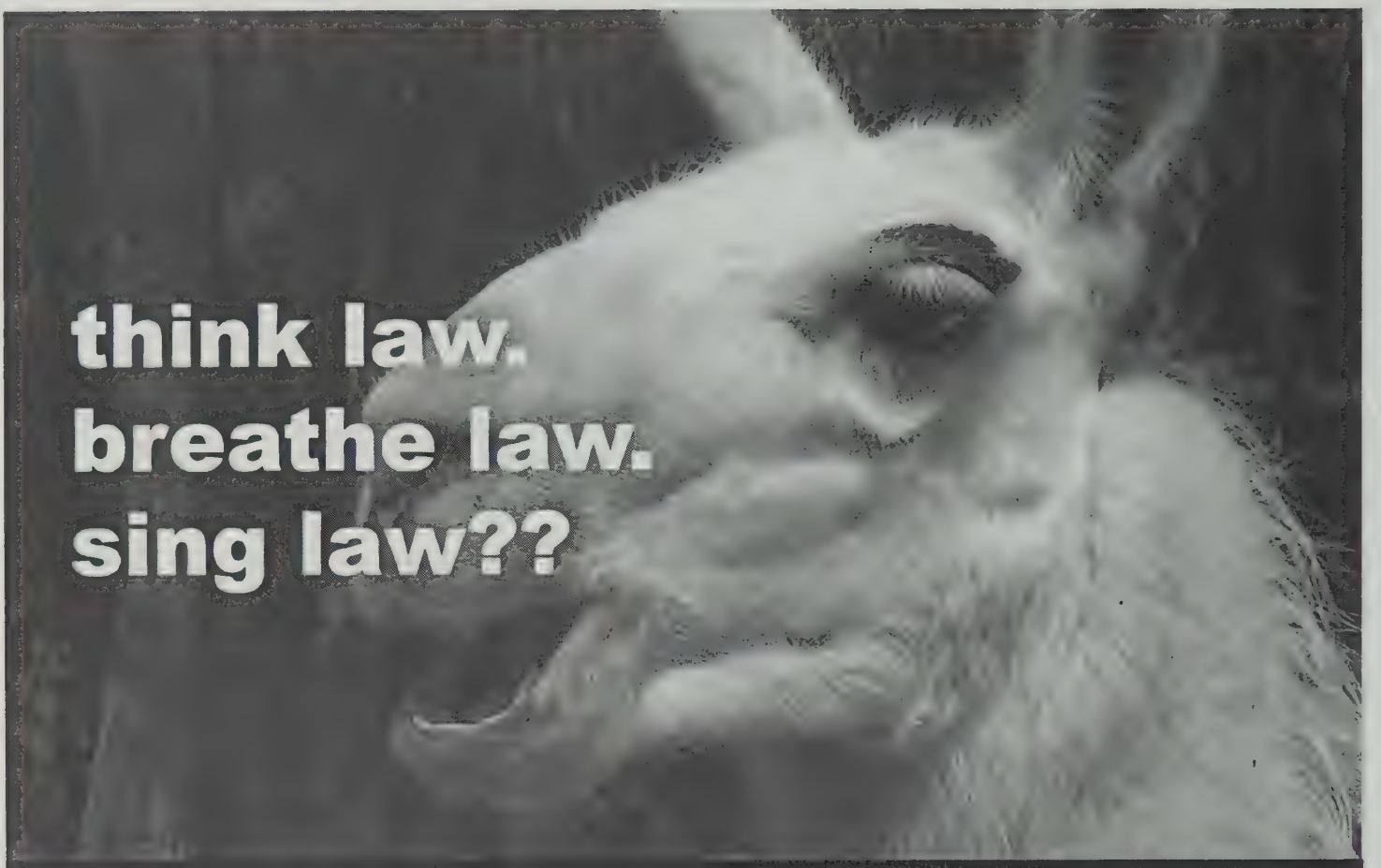






Photos: Mariana Oliveira, Wendy Wang, Natasha Dubé & Navid Nikou

PARTY



Bennett Jones Creativity Contest
"LEGALIZE THE LYRICS"

Change the lyrics of a well-known song into a law song!
Submit to canons@ualberta.ca by November 15 @ 4pm
Best songwriter gets $100 and a Bennett Jones Prize Pack

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EXAMPLE

TERRI SUSAN ZURBRIGG (2L)

Causation
(To the tune of *Complicated*, by Avril Lavigne)

Uh, huh. Cause law's like this.
Uh, huh, uh huh, that's the way it is.

You say "but for" me you'd be
Just fine, well let's wait and see
You claim that the fault is all mine, but I'm inclined
To say that the state you're in
Is not direct or proximate
With respect to the harm I've done, but you've begun
To say that it's more likely than not,
Well the burden's on you, and if you give it a shot
You have to prove the facts and show the proximate cause…was me!

Chorus:
If you want to sue me then first you need causation
I see you're hurt but it's no fault of mine if there's no causal relation,
Linking me to you.
You can't sue, sucks for you, but it's true, if you serve me with papers then the joke's on you
Pinning it on me can be such an aggravation,
Without causation
In fact, maybe it was me
Who wasn't acting reasonably
But in law I claim, that this wreck is indirect.
I know, you've gotta draw the line
Just where, and at what point in time
Is a task that we leave to policy, and make-believe…

Depends on the judge, sometimes they'll budge
If the harm's really bad, and the excuse is sad, but
If you're a secondary victim then do tread carefully….

Chorus

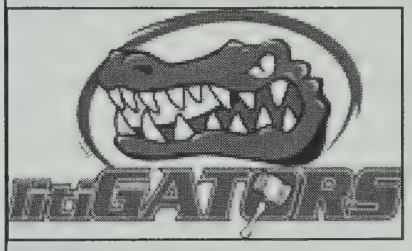
Pronger Article

...Continued from page 6 ...

came across him in the Gavel sitting between two girls, and Mark Facundo was playfully giggling on his lap. Now I don't know how this point is relevant but I felt it was important to be included in this article.

For fans attending the next Anaheim-Edmonton game, feel free to boo him. In a recent interview, Pronger claims that Oiler fans went too far in labelling him a traitor and accusing him of cheating on his wife when they really have no reason to boo him. But I ask you, if your fiancé calls you up after you two just got engaged on a wild vacation in Belize and tells you, "We need to break up", and doesn't give you an explanation, wouldn't you suspect him or her of cheating!? Until he comes out and explains his actions I plan to treat Pronger like I do all the girls who have dumped me in the past (see R v. Bhatia 2001 ABQB and R v. Bhatia 2003 ABQB...well I have that one on appeal so make sure you note-up).

Tuesday, Oct, 17 - TIE
Sunday, Oct, 29 - WIN
Monday, Nov, 27 - 9:45 PM



Sunday, Oct, 1 - WIN
Sunday, Oct, 22 - LOSS
Monday, Nov, 6 - 9:45 PM
Thursday, Nov, 30 - 9:45 PM

Macleod Dixon Lawyers LLP
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Toronto
Moscow
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Caracas
Rio de Janeiro

The Law Hockey Pool returns for the 2006-2007 school year!

Current standings:

1. Chris Boyle	189	6. Hugh Hammond5	175	9. Mike Gunther 2	170	
2. Ian Stedman	184	7. Brad Brandvold5	174	12. Katy Holland	169	
3. Robbie McCull 2	180	8. Hugh Hammond7	173	12. Travis L #61	169	
4. Antoine Gariepy	178	9. Ameen Tejani	170	12. Michael Klaray5	169	AND LAST
5. James Koizumi 1	177	9. Jonathan Cummin	170	173. borky2000	86	

Social Responsibility

...Continued from page 1 ...

to be socially conscious when making decisions. In doing so, it is essential to remember that we must be open to and accepting of the choices that others make, even if they are remarkably different from our own. For example, even though I choose not to shop at Wal-Mart based on the fact that they closed a store in Jonquière that was on the cusp of unionizing, that does not mean that I should expect even my closest friends to feel the same way. Having grown up in a household with two unionized parents working in the Greater Toronto Area, their unions provided my family with a better standard of living than we likely would have had otherwise. That being said, many of my closest friends see unions in a negative light, *even* my Albertan friends! This simply means that I value something different than they value, this does not mean that either value is objectively right or wrong.

Not only can we choose to shop in different stores, or buy different brands based on what we know about a company's practices, but we can also choose to invest our money (if we have any) in socially responsible funds (see www.jantzisocialindex.com, or www.domini.com). We can volunteer to help out in the community (which so many of us do). We can become activists for human rights at home and abroad. We can ride a bike to school (or work) or take public transportation, even when we're making the "big bucks". We can make monetary donations to causes we believe in. Most of all, we can encourage those around us to assess their values and to make their money and time match their morals as well as they can. Remember, forward momentum need not always be a sprint; even a crawl qualifies as meaningful!

A skeptic might argue that social responsibility and social citizenry have become mere catchphrases for big businesses in this post-Enron corporate age. Undeniably, many businesses may truly think of social responsibility as being an advertising tool, or even a concern for the compliance department (*The Sarbanes Oxley Act of 2003* in the U.S. has helped business ethics to resemble mere adherence to law in some ways). Regardless of this view, it is, and will be, concerned citizens who have the power to make companies see the value of social responsibility. Furthermore, it is consumers who have the power to demand that companies give back to the communities in which their enterprises have thrived. Every decision that we make does matter, and with so much choice on the market one can quite easily go to Zellers instead of Wal-Mart for their cleaning supplies, or vice versa. While the price or time difference will often be negligible, the value of making a choice based on your *own* moral beliefs can be redeeming in the most personal of ways.

Cuts for a Cure

...Continued from page 3 ...

more fortunate to have the opportunity to be a part of this again."

This year, on November 9th, the school will once again come together to raise money for a cure— hairdressers will donate their time and shave the heads of Professor Hopp, Kris Neilson (3L), Ray Bastedo (3L), Ameen Tejani (3L), Mark Facundo (3L), Warren Woo (3L), Rob de Guzman (3L), Mike Sharp (3L), Aaron Lightman (2L), Mike Saliken (2), Shaun Hohman (1L), Alec Campbell (1L), Bryan Crozier (1L), and Sean Duncan (1L). Pledges are currently being taken at the couches everyday from 12:00-2:00pm.

What can you do? Come support this event, donate money, share your experience, and cheer on your peers. Lance Armstrong said it best when he said, "We have two options, medically and emotionally: give up, or fight like hell." Let's fight like hell.

Reinventing Quebec

William MacKinnon (LLM Candidate)

On October 17, Robert Lacroix, a distinguished economist and president emeritus of the University of Montreal, came to the University of Alberta to give an address on a recently authored policy manifesto entitled "A Clear Eyed Vision of Quebec." The manifesto argues that Quebec must address its looming economic and demographic challenges, and was authored by Lacroix, former Quebec premier Loucien Bouchard and a host of other prominent Quebec leaders. During his talk, Lacroix cited ominous statistics that reinforced the need for quick action.

Over the next 25 years, the province's aging population will mean fewer workers to fill vital positions in the labour market. At the same time, this aging population will mean that health care costs will continue to rise sharply during the same period. The result, according to Lacroix, is that by the year 2031, government expenditures will outstrip revenues by an estimated $17 billion. Add to the equation fierce manufacturing competition from emerging Asian tigers such as China, and you have a recipe for economic stagnation. Lacroix's diagnosis is sobering: "simply put, we have a big problem."

Lacroix's manifesto was designed to reinvent the traditional Quebec model in order to address these emerging challenges. Debt reduction, a renewed investment in post-secondary education and training, reducing income taxes and engineering a change to the business climate are all recommendations enumerated in the manifesto. Of all of these priorities, debt reduction is perhaps the most important because, as Lacroix noted, almost 20% ($7 billion) of the province's budget is devoted to servicing the debt.

While all of these priorities are sound, much remains unchanged. In Quebec, proposals of this kind are greeted with skepticism at best. Union leaders, residents who prefer the status quo and many politicians of all stripes resist the paper's recommendations. Lacroix concedes that courageous political leadership—something that has been palpably lacking in the province for the past many years—will be needed to address these challenges. But the statistics underscore the nature of the storm clouds on the horizon, and the fact that Quebec needs to prepare itself for the future, fast.

Theatrical Learnings of Title for Make Benefit Glorious Production of Law Show

Elizabeth Liu (3L)

It was recently brought to my attention that there are fewer than 100 days left until Law Show 2007 hits the stage at the Myer Horowitz Theatre. Given that things are going quite smoothly with the show, I thought that I'd talk about something different rather than give you our regularly scheduled update.

Have you ever watched *Who's The Boss?* Don't deny it, of course you have (especially all of you gentlemen who were/are still obsessed with Alyssa Milano). In addition to introducing the world to Ms. Milano, Tony Danza's winged hair, and Judith Light's shrill voice, *Who's The Boss?* also set the bar really high for all show titles that followed it…

Hahahaha, who am I kidding? The title was terrible and only one step above *ALF* in terms of quality. Even *Perfect Strangers* and *My Two Dads* had better titles. OK, so maybe *Who's The Boss?* wasn't the best title of all time, but it sure set the bar low enough future generations to pass it with ease, including Law Show 2007.

This summer, Meredith Hagel and I were asked to come up with the title for this year's production. This task presented quite the challenge: how could we accurately capture the essence of the show while still making it recognizable to the public? Cognizant of this problem but equally undaunted by the heavy burden placed upon our shoulders, Meredith and I trudged forward in the pursuit of the most brilliant title of all time.

What's in a title? A good title should, at least in some way, be descriptive of what you're about to see. Clearly not rocket science. *Saturday Night Law*, *Entarraignment Tonight* and *The Attorney's Choice Awards* were all titles of previous Law Shows. When creating a Law Show title, the one obvious thing to keep in mind is that the title needs to be law-related (at least this is what my Mom has told me). And as you may remember from our previous Canons column this year's show focuses around the kidnapping of Dean Percy, so we thought our title should reflect this. So, after a considerable amount of brainstorming, we came up with a list of possible titles for the show:

The Da Percy Code
Saving Private Percy
Million Dollar Percy
There's Something About Percy
Terms of EnDEANment
Raiders of the Lost Dean
What's Eating Dean Percy?
Dr. Strangelaw or: How I Learned to Stop Worrying about Law School and Find the Dean
OctoPERCY

and, my personal favourite:

Mission: ImPERCYble

Apparently slow days at the office beget asinine titles, and clearly our ideas with "Dean" and "Percy" weren't working. All sub-par, all rejected! We wanted a title with more universal appeal, and we had decided that at least part of our show would be "film noir" in feel. Armed with this in mind we headed back to the drawing board. After some more brain farting, the title of the show was finally born: L.A.W. Confidential.

*****

Directors' Note: We are looking for people who are interested in helping shoot/edit videos that will be played during the show. Having a video camera isn't necessary, but having editing software (and the knowledge to operate said software) would be a definite bonus. We hope to start shooting very soon, so if you would like to help out, email me at eliu@ualberta.ca **ASAP**.

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Einhorn is Finkle

...Continued from page 5 ...

If you need evidence that Alberta should be planning for a time when cash stops rolling in like parachute pants off the factory assembly line in 1991, just watch the first season of *The Surreal Life*. Then you just might appreciate how far we can fall. Also, you'll get to watch the walking corpse of failure that is Corey Feldman, and that's pretty funny.

****

The latest ad campaign rolled out by the fine people who make Captain Morgan brand rum involves a picture of a wooden keg – presumably filled with Captain Morgan's Spiced Rum – that has a parody of a slogan or adage on it. One ad in particular caught my eye. It's a play on Las Vegas' self-made motto "What happens in Vegas, stays in Vegas." A saying that has been over-applied to everything right down to Calgary or "the broom closet" in some attempt to declare an area off-limits to moral culpability.

"What happens below deck, stays below deck" sounds like something a filthy and haggard sailor would growl at his fellow seamen when they questioned his plan to forcibly bugger the cabin boy. However, then they add on the open-ended question "Do you have what it takes to be a captain?" which sounds like some kind of euphemism laden sex code whispered over the top of a stall divider in a public washroom down by the docks. I'm not sure what it is about sailors that makes them double entendre targets when used in advertising. Maybe it's the traditional under representation of women in the "open sea" professions that leads one to see ads as like these as open season on sodomy jokes. Maybe it's that they are traditionally seen as some of the most disgustingly amoral sexual adventurers with a long association with venereal diseases.

Either way, this latest round of Captain Morgan ads almost beats those old Highliner Fish Stick commercials involving Captain Highliner and the terrified young man trapped with him in a desolate lighthouse. "Have ya ev'er been to sea, Billy?"

****

Fun Fact: Crikey! is actually a form of the saying "Christ kill me". If you redub Christ kill me in place of very use of Crikey!, *The Crocodile Hunter* takes on a darkly prophetic tone.

This makes the show slightly more bearable.

My Bout with Justice

...Continued from page 4 ...

claiming racial hatred!). I was stumbling, my legs feeling rubbery; I landed a few harmless jabs (my cross-examination) then DING! The first round ended (the witness was asked to step down).

The Russian came out swinging in the second (put a police officer on the stand). I took a few mind-numbing blows to my bulbous-melon (the officer said that my guy had 'appeared' intoxicated). The Russian seemed unbeatable, but then I caught him with a straight right that opened a gash over his eye (during cross-examination, the cop admitted that there was no signs of injury on the complainant, but instead it was my principal who was battered- possibly raising a reasonable doubt)

The next couple of rounds were rather uneventful, with each of us exchanging minor blows, but no one landing any hay-makers. Then it came time for the final and deciding round (time for my principal to take the stand). Going into it I was busted up: my nose was swollen, my left eye had a nasty gash and my feet felt like they weighed 100lbs each (I was losing the case). The bell sounded and I reluctantly came out. I put everything I had into a right hook. It looked as though I was about to catch the mighty Russian off-guard, but wait! He had it telegraphed; he ducked under my right and landed a jaw breaking upper-cut…the next thing I knew I woke up in the emergency room with Paulie by my side reading the funnies (I lost). Sadly my experience did not end as well as it had for my hero Rocky.

Looking back though, this whole episode wasn't a clash of good against evil. I wasn't an under-dog fighter with justice on my side trying to beat an unbeatable foe. At the end of the day, we as future-lawyers are not trying to get the heavy-weight championship belt; we are searching for a just solution to an altercation or incident that happened. Do I fully believe my principal's story? No. Although I don't fully believe the Crown's depictions of events either, I must say the end result was just. The one thing I learned is that, and I know it sounds sappy, it doesn't matter if you win or lose a trial, but rather if justice was served [cue 'Eye of the Tiger'…again!]

Meet the Aussie

Alan Hamad (2L)

G'Day

A lot of you may wonder why the hell I would leave white sandy beaches, thirty degree weather and a perfectly conditioned surfboard to come to Edmonton; well I'm still trying to figure that out..! Whilst taking a tour during orientation I found myself wondering where the hell these people keep their surfboard racks. Then it hit me, there is no sand, no surf, no beach! How did I manage to get out of such a truly remarkable comfort zone!

About the university of Wollongong

I go to the University of Wollongong (*UOW or the Gong*) which is located an hour south of Sydney in the city of Wollongong (aboriginal for '*sound of the sea*') resting on some of the best beaches in Australia (5min walk to the beach, haha). It is becoming one of Australia's fastest growing, most innovative and prestigious universities, having won University of the year for the past three consecutive years. Life is so good on the campus that most of the time before major exams I find myself either going for a swim, spear fishing or surfing to relieve the stress…there is actually an informal phrase known to the students that reflects how good university life is at Wollongong; "*ahh the great life of a uni student!*"-I often hear it from people while waiting for the waves out on the break.

An Australian law degree

Unlike Canada and the USA, the Australians have mastered the art of making life easy for their students. Instead of pre-paid tuition fees, Australian tertiary students accumulate a "HECS (Higher Education Contribution Scheme) debt". This means that the government pays for our tuition fees whilst attending university. Then when we graduate, or begin to earn over $35,000 a year, instead of paying taxes, the amount of tax we are meant to pay is substituted to pay off our HECS debt..! e.g. if I

...Continued on page 18 ...

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HE SAYS... SHE SAYS

Is it wrong that I am attracted to my Professor?
- Teacher's Pet

She says:

Oh teacher's pet, don't you know that the pith and substance of your question is one of the most daunting and dangerous endeavours imaginable? The possible repercussions of something so explicitly unethical make this a risky venture. I'm not even talking about weird romantic sticky situations, the kind you may have with a classmate that the entire law school talks about. I'm talking about a ruin-your-professional-career disaster. Don't fret, maybe this infatuation is innocent and harmless, maybe this will just simply go away. Let's assess your crush: What attracts you to this professor? Is it their implied maturity? Their confidence and use of legal jargon? Is it a result of your frustration with your own age group? Does this crush make you WANT to come to school? If your answers go beyond a simple yes and a grin, then you may have to seek professional help - hold on, I didn't mean help from your professor.

If you assessed this crush and determined it's harmless, then my real question for you is, why not 'crush'? Law professors are seemingly mature, well versed, well dressed (typically), confident, persuasive, intelligent, wise with experience, fluent in Latin, pockets of gold, powerful ... think Sean Connery... or even ... Michelle Pfeiffer in Dangerous minds ... Oh yeah. Let's not deny this, it is out there: the lust for a professor, the desire to be of equal standing, the attraction to the forbidden. Relax law student, enjoy your harmless crush, but make sure it's harmless!

He Says:

No one has been successful in law school with a laid back attitude; however, laying on your back can be a ticket to the gold medal. Yes, it's actually quite easy to study from a horizontal position, and it could help to prevent lower lumbar injuries. You thought I meant something else? For shame Teacher's Pet. I can't believe you would consider sullying one of academia's longest standing traditions by trying to profit from seducing your professor. On second thought, maybe that is the longest standing tradition. It's perfectly natural to be attracted to the professors of this fine institution. Numerous laptops speckle the classrooms like tiny stars in a far off galaxy of legal knowledge. The faint rhythmic clicking of fingers on keypads play melodies to accompany the sensual dance of Powerpoint slides. Even the snoring of a fellow classmate can begin to sound like Barry White himself is serenading you, and blessing your love in the sexy way that only a baritone can. Let's not be coy with each other Teacher's Pet. You want to get a good grade in this class, but you want to enjoy doing it. No one enjoys tough class and heavy reading, they enjoy tight ass and fevered breeding. So I salute you, and encourage you to pursue romantic and scholastic success by scoring with every professor you have. Sleep with the coordinators, sleep with the custodians, sleep with the guy who takes your money at the parking booth, but for goodness sake don't sleep with any of your classmates. That would just be inappropriate...

MEET THE AUSSIE

...Continued from page 16 ...

pay $10,000 in tax in my first year of working, this goes to paying off my HECS debt instead of the tax office.

Secondly, law students are not required to do an undergraduate degree before they enter law school (they can if they want to), rather one goes from high school into law school. There is no LSAT, instead one must sit state wide exams and score in the top 1% for the top tier law schools (geeks!) or top 6% (me) for the more relaxed beach life, sun baking, surfing law schools. Students undertake what is known as a combined degree, for example Commerce/Law or Engineering/Law, and if you don't fail anything (not yet..! phh) it takes six years to complete by undertaking two courses from each degree per semester...

It's tough not being able to sit out on the grass, lye down whilst I read my notes and bask in the glorious sun, instead for the first time in my tertiary life I find myself sitting in a cold library filled with aspiring ambitious Canadian law students, it's heaps weird!

U of A law school-A Comparison

Straight off the bat, I am very disappointed in the lack of drunken cricket you guys play in the school hallway! SOMETHING NEEDS TO BE DONE ABOUT THIS! (Come-on, you do have an English Dean!)

On a serious note, I am proud and thankful to be attending this law school. I was actually going to attend UBC but after meeting those D!#$heads at our rugby game I am glad I came here. School back home is not as tight as it is here; there is no culture, community or brotherhood (sisterhood for the girls). It is so much more professional here, the profs actually practice. In Australia, classes are dispersed around the campus and the interaction between students and teachers is very poor! As a matter of fact I have done more talking in the classes here then I have done in four years of university back home! The balance between social and academic life the U of A law school is excellent. Everyone knows each other and the friendships will last a life time. It's funny because most people keep to themselves back home, and the only social events we have are so cliché that they are only attended by their LSA organizers! Unlike U of A students, most UOW students work during the academic semester and save up for a big summer...Basically this school has history, tradition and a general community whose LSA is not a medium for political activism that constantly antagonizes the Law faculty! I love it here...

There are too many names to mention, but I would like to thank those who are maintaining my beer belly, helping me get rid of my beer belly and to everyone else who have taken me in and are making my U of A experience a life long memory.

P.s If you are ever in Wollongong; remember swim between the flags and watch out for the sharks!

EDITORS NOTE: Even that bastion of "Ontarioism" Macleans Magazine has finally acknowledged our supieriority. We're #1 baby!

Law Guy: Dr. Bill

Name: Dr. William Fraser Donahue
Year: 2L

Where were you born and raised?
Born in Winnipeg, grew up all over northern and western Canada.

To date, what would you say has been your greatest accomplishment?
Once upon a time I was able to put both feet behind my head.

If you could go for a beer with one person, dead or alive, who would it be and why?
Matt Mitschke- because he is the future prime minister of Canada.

If you were a cartoon character, who would you be and why?
Spiderman- because he is a geek in real life.

If you were allowed to wear whatever you wanted under the robes in court, what would it be?
A purple velvet suit. Velvet is nice and soft.

Most annoying fashion faux pas?
White socks with dress shoes. That's a total Quebec hockey thing.

Describe the perfect date.
There is no such thing- it varies, it's different with each woman. A perfect date is one that involves a lot of laughter and chemistry.

Who or what inspires you?
Truth. Seeking truth.

The first thing you notice about the opposite sex?
Eyes and the smile.

What weird exam rituals do you have?
A complete lack of preparation. Otherwise, no rituals.

Words of advice?
Pursue what interests you …rather than what interests your parents.

Law Girl: Shannon

Where were you born and raised?
Born in Valleyview, Alberta and I was raised all throughout the north.

To date, what would you say has been your greatest accomplishment?
Placing in the top team of the Brimacombe. The other thing I have always been proud of is I came to law after only three years of my undergrad.

If you could go for a beer with one person, dead or alive, who would it be and why?
Pierre Trudeau- so we could have a looooong talk about the Charter.

If you were a cartoon character who would you be and why?
Ariel, the little mermaid- because she was very determined, she got what she wanted in the end, and she did it the right way. She was ethical for a mermaid.

If you were allowed to wear whatever you wanted under the robes in court, what would it be?
I would still wear a suit. A blazer gives me confidence.

Most annoying fashion faux pas?
Shirts that don't meet pants with muffin top hanging out.

Describe the perfect date.
With my husband: an evening with a really good performer at folk fest.

Who or what inspires you?
I tend to be inspired by my environment and whatever forces are in it. My goals are not set in stone and are influenced by my environment.

The first thing you notice about the opposite sex?
Eyes.

What weird exam rituals do you have?
Usually the night before my last final exam I have to sleep on my couch because I get too nervous.

Words of advice?
Be original and be yourself.

Name: Shannon Amber Kleinschroth
Year: 3L

November Calendar of Events

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2 LSP Toy Drive begins	3 Vin Ordinaire	4
5	6 New Canons!!	7 SLS election campaign begins	8	9 Cuts for a Cure Wine&Cheese 4-8 Grad Photos SLS voting and results	10 Grad Photos	11 Remembrance Day Library Closed
12	13 No School Library Closed	14 No School Job Shadowing Day Grad Photos	15 Grad Photos Bennett Jones "Legalize the Lyrics" Contest Deadline	16	17 Rugby FABS	18 LSP Habitat for Humanity
19	20 LSP Sales for Oilers Tickets Raffle begin	21	22	23	24 Canons Issue #4 Submission Deadline (4pm)	25
26	27	28	29	30 Canons Copyediting (in Gavel, noon)		

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